

From: ["Brooks, Karl" </O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=78AC91F4DB6D44F58424B504D5AA3C7D-BROOKS.KARL>](mailto:Brooks_Karl@EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE:GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=78AC91F4DB6D44F58424B504D5AA3C7D-BROOKS.KARL)

To: [Cacho](#)  
[Julia:Peters](#)  
[Dana:](#)

CC: [Hague](#)  
[Mark:Slugantz](#)  
[Lynn:](#)

Date: 8/12/2014 5:07:03 PM

Subject: FW: Draft Letters for Your Review

Attachments: [20140811 -St. Louis Airport.pdf](#)  
[08122014 Response Ltr stlairportbirdreply.docx](#)  
[20140811 MO AG Letter.pdf](#)  
[08122014 Response to Atty Gen Koster Aug11 Ltr..docx](#)

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Lynn will handle getting my minor changes incorporated into finals. Help her decide which office is responsible for creating document, and for getting the concurrences done so my stamp signature can be added and the letters pdf'd to City, Airport, and AG before COB tomorrow.

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**From:** Slugantz, Lynn  
**Sent:** Tuesday, August 12, 2014 3:08 PM  
**To:** Brooks, Karl  
**Cc:** Hague, Mark  
**Subject:** Draft Letters for Your Review

Karl – Attached are the draft response letters for your review, along with the original incoming letters. These drafts have been reviewed and approved by CNSL, SPFD and OPA staff and managers.

Thank You-  
Lynn M. Slugantz  
US EPA R7, Office of Regional Administrator  
11201 Renner Blvd Lenexa, KS 66219  
913-551-7883 (Desk) 913-948-1129 (Blackberry)



**LAMBERT-ST. LOUIS**  
**INTERNATIONAL AIRPORT®**

**Rhonda Hamm-Niebruegge**  
**Director**



Francis G. Slay  
Mayor  
City of St. Louis

August 11, 2014

Karl Brooks  
Regional Administrator  
U.S. Environmental Protection Agency, Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

Re: Bridgeton/West Lake Landfill

Dear Karl:

On behalf of the City of St. Louis and Lambert-St. Louis International Airport, we thank you for the presentation that your agency and the U.S. Army Corps of Engineers made on the various alternatives being considered for the construction of an isolation barrier at the West Lake Landfill. Clearly, this an enormously complex construction project that must also deal with very complex mitigation issues at West Lake Landfill. While we need a lot more information, the technical material you presented was a very good start.

We both have a job to do. It is the EPA's job to make sure that the landfill does not pose a hazard to the public health or safety or to the environment. It is the EPA's responsibility to ensure that whatever solution you approve does not pose a bird strike hazard to aircraft for any of the 13 million passengers who fly in and out of Lambert every year. As we have communicated and discussed with your agency over the past few years, we will work with the EPA to address these issues. But, we will not consent to any option, nor would the Federal Aviation Administration concur with any recommended option, until we know that the traveling public, who put their safety in our hands, are not being put at risk due to new or increased bird hazards to aircraft.

The Airport's primary interest with any project at the landfill is that it does not pose a hazard to our flight operations. As you know, a large number of arriving and departing flights fly directly over the landfill. When waste at the landfill is dug up or otherwise disturbed, there is a very real possibility of new and ongoing bird hazards to aircraft developing due to large numbers of birds coming to feed at the landfill. There is a very real threat to the daily operations at Lambert due to the possibility of birds being ingested into aircraft engines and other types of bird strikes.

As we discussed at the meeting, operations at the landfill were shut down in part to eliminate a bird hazard to aircraft. Any new project that will expose putrescible waste at the landfill has the potential to result in a new and ongoing bird hazard to aircraft. The plans shared with the Airport on Wednesday

indicate that any isolation barrier alternative will result in substantial amounts of putrescible waste being excavated and managed at the landfill over a long, indeterminate period of time. Due to the amount of putrescible waste being excavated and the lengthy period of the project, the Airport believes there is potential for a bird hazard to develop from the activities associated with the construction of an isolation barrier.

We understand that it is early in the plan design process; and, therefore, the excavation procedures that might provide the Airport with more information relevant to whether it will be possible to perform the project without triggering a bird hazard, have not yet been developed. The Airport, in consultation with the FAA, looks forward to working with you as these plans are developed to ensure the flying public is protected.

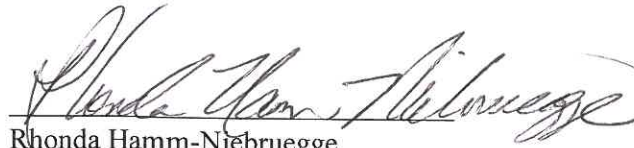
We must all recognize, however, that bird hazard control and mitigation is not an exact science. If a bird hazard develops during project implementation, despite the best project plans, the immediate safety of flight operations will be the Airport's and the FAA's primary concern.

We look forward to working with you as the project develops. Please keep us involved in the project planning process so that we can ensure that whatever solution your agency approves does not pose a bird strike hazard to aircraft for any of the 13 million passengers who fly in and out of Lambert each year.

Very truly yours,



Jeff Rainford  
Chief of Staff  
Office of the Mayor



Rhonda Hamm-Niebruegge  
Director of Airports  
Lambert-St. Louis International Airport

cc: Mario Pandolfo  
Gerald Beckmann

FOIA Exemption 5 (Deliberative Process)

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[REDACTED]

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ATTORNEY GENERAL OF MISSOURI

JEFFERSON CITY

65102

CHRIS KOSTER  
ATTORNEY GENERAL

P.O. Box 899  
(573) 751-3321

August 11, 2014

Karl Brooks  
Regional Administrator  
US EPA Region 7  
11201 Renner Blvd.  
Lenexa, KS 66219

Dear Administrator Brooks:

In the First Agreed Order that my Office reached with Republic Services ("Republic") over a year ago, the St. Louis County Circuit Court ordered Republic to implement a number of protective measures to control the spread of the subsurface smoldering event ("SSE"), reduce odors caused by the smoldering refuse, and separate the burning trash from the radiologically impacted material deposited at the north end of the West Lake site. While significant work has been done and is ongoing in an effort to control the fire and mitigate odors, little visible progress has been made toward constructing the isolation barrier aimed to keep the SSE from reaching radiological waste. As the construction of the isolation barrier depends on the detection and handling of radioactive material, any work on the project necessarily requires EPA oversight and approval.

We recognize that the design and construction of the isolation barrier is an enormously complicated task, and we appreciate the involvement of the Army Corps of Engineers, who bring special expertise to engineering projects of this complexity. We also understand that the implementation of any isolation-barrier design depends on the review and approval of Lambert-St. Louis International Airport ("Airport"), which is responsible for ensuring that any planned excavation or construction will not draw large numbers of birds and put air traffic at risk.

We understand that the Corps has analyzed a number of alternatives for placement of the isolation barrier. In the interest of moving this project forward in a timely fashion, we ask that EPA adopt the following schedule:

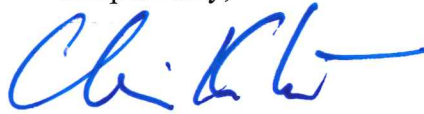
- Within 30 days, EPA, in conjunction with the Corps, presents its formal analysis of the isolation-barrier alignment alternatives to Republic and to the Airport.
- Within 45 days following Republic's receipt of the analysis, Republic submits its alignment selection to EPA and to the Airport, which must include sufficient design specifications to allow EPA, the Corps, and the Airport to evaluate the proposal.
- Within 45 days following the Airport's receipt of Republic's proposal, the Airport announces whether it will consent to the proposal in light of its concerns

regarding the risks excavation and construction at the landfill may pose to flights due to increased bird activity.

- If the Airport approves the proposal, EPA announces within 30 days of approval whether it approves the proposal.
- If the proposal is not approved, Republic submits a modified proposal to EPA, the Corps, and the Airport within 30 days, taking into account the comments and concerns raised.

As always, the health and safety of the public, including those who live and work around the landfill and those who rely on the Airport to provide safe flights, is our highest priority. We remain frustrated with the slow pace of progress thus far. It is critically important that all participants in this project move with greater dispatch to ensure that all members of the public are protected.

Respectfully,



**CHRIS KOSTER**

Attorney General

FOIA Exemption 5 (Deliberative Process)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]